

REMARKS/ARGUMENTS

Applicant has carefully reviewed and considered the Office Action mailed on April 6, 2005, and the references cited therewith.

Claims 1, 5, 7 and 9 are amended, no claims are canceled, and no claims are added; as a result, claims 1-12 are now pending in this application.

Applicant respectfully submits that claims 1, 5, 7 and 9 do not introduce any new subject matter and are intended to cover additional claimable subject matter fully supported by the originally filed specification.

Interview Summary

Applicant thanks the Examiner for the courtesy of a telephone conversation on June 28, 2005. During that conversation, Applicant and Examiner discussed the application of the Frame and Milch references to the present claims. Points were considered for differentiating the claims from the Frame and Milch references.

Claim Objections

Claims 1-12 were objected to because of informalities. On page 2, the Office Action stated that “[t]hroughout the claims, ‘said array’ should be ‘said array of sensors.’” In response to this objection, Applicant has amended Claim 5.

On page 2, the Office Action stated that “[t]hroughout the claims . . . ‘said pixels’ should be ‘said array of pixels.’” Applicant respectfully disagrees with this statement. Applicant notes that claims 1, 6, and 9, each refer to “said pixels” after introducing “an array of pixels” earlier in the claim or in a claim from which it depends. When a claim introduces a plural element for the first time, it may be grammatically improper to use an article (such as “a” or “an”). In this case, it would be grammatically improper to state ‘an array of a pixels’ or ‘an array of an pixels.’ Applicant submits that the phrase “an array of pixels” provides a proper antecedent basis for “said pixels,” and respectfully requests reconsideration and withdrawal of this claim objection.

On page 2, the Office Action stated that “said pixel data” of claim 7 should be “said array of pixel value.” Applicant notes that “said pixel data” of claim 7 was attempting to refer to the “image data including pixel values associated with an array of pixels” of claim 5. In response to this objection, Applicant has amended Claim 7.

§112 Rejection of the Claims

Claims 3, 7 and 11 were rejected under 35 USC §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

Regarding claim 3, the Office Action raises questions about the relationship between the elements of claim 1 and the elements of claim 3. Applicant respectfully points out that claim 3 depends from claim 1, and that this dependence governs the relationship between the elements. Claim 1 includes “a” signal converter and claim 3 includes elements which comprise “said” signal converter – i.e. the signal converter of claim 1. Claim 1 includes a signal converter for converting said signals into “pixel data.” Claim 3 includes said signal converter, which includes elements for converting said signals into signal data and for converting said signal data to “said pixel data” – i.e. the pixel data of claim 1.

In this way, dependent claim 3 refers to elements from independent claim 1, and further describes their scope in a definite manner. In the same way, claim 7 depends on claim 5, and claim 11 depends on claim 9. Applicant submits that claims 3, 7, and 11 are definite, and respectfully requests reconsideration and withdrawal of the 112 rejection for claims 3, 7, and 11.

§103 Rejection of the Claims

Claims 1-3, 5-7, and 9-11 were rejected under 35 USC §103(a) as being unpatentable over Frame (U.S. Patent No. 4,590,520) in view of Milch (U.S. Patent No. 4,638,371).

Applicant does not admit that the Frame and Milch references provided a proper motivation for combination. Nonetheless, in the interest of advancing prosecution of the present application Applicant has amended claims 1, 5, and 9.

Independent claims 1 and 9, as amended, recite that “for the at least one of said pixels an associated offset value equals an associated gain value”. Applicant’s independent claim 5, as amended, recites that for the bad sensor “an associated offset value equals an associated gain value”.

Neither the Frame reference nor the Milch references, either independently or in combination, describe, teach or suggest that for at least one of said pixels or that for the bad sensor an associated offset value equals an associated gain value.

As such, Applicant respectfully requests reconsideration and withdrawal of the 103 rejection for the above independent claims as well as those claims which depend therefrom.

Allowable Subject Matter

Claims 4, 8 and 12 were objected to as being dependent upon a rejected base claims, but were indicated to be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims and rewritten to overcome 112 rejection and objections. Applicant thanks the Examiner for indicating the allowability of these claims.

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney Gregg W. Wisdom at (360) 212-8052 to facilitate prosecution of this matter.

At any time during the pendency of this application, please charge any additional fees or credit overpayment to the Deposit Account No. 08-2025.

CERTIFICATE UNDER 37 CFR §1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: MS AMENDMENT Commissioner for Patents, P.O. BOX 1450, Alexandria, VA 22313-1450 on this 1st day of July, 2005.

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